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CASE PP/1-22699/A/CGM 515/PCT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF

Group Art Unit: **1796**

JOCHEM FINK ET AL

Examiner: **Jeffrey C. Mullis**

INTERNATIONAL APPLICATION NO. PCT/EP 03/06165

Confirmation No. **3532**

FILED: **June 12, 2003**

FOR: GRAFTING OF NITROXYL TERMINATED

OLIGOMERS OR POLYMERS ONTO

THERMOPLASTIC POLYMERS

U.S. APPLICATION NO: **10/518,873**

35 USC 371 DATE: December 20, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

In response to the Examiner's Answer dated June 18, 2008 and the communication dated June 30, 2008, which themselves are in response to the Appeal Brief filed March 31, 2008, Appellants respectfully submit this Reply Brief for entry and consideration in the appeal of this case.

Appellants take this opportunity to respond to specific statements set forth in the Examiner's Answer.

Appellants point out that in the Amendment filed September 28, 2007, glycidyloxy was deleted from claim 7 as a possible substituent for an aryl group of X. Claim 1 was also amended to define X as in original claim 5, minus glycidyloxy as a possible substituent for an aryl group of X.

Please see lines 5 and 6 from the bottom of claim 1 and the last line of claim 7. The possible substituents of an aryl group of X are clearly defined and no longer include glycidyloxy.

Thus, the Examiner's assertion in section (10) of the Examiner's Answer that "claim 1 necessarily encompassed glycidyloxy substituents on applicants aryl groups...claim 1 still encompasses glycidyloxy" is not correct. Glycidyloxy as a substituent for an aryl of X has been deleted from the present claims.

The Examiner goes on to argue that one would conclude that alkyl of the last two lines of claim 7 were open to substitution, thus still allowing overlap with Chin. As glycidyloxy is deleted as a possible substituent of aryl of X, the claims now cannot encompass this possibility.

Appellants submit that there is a clear line of demarcation between the disclosure of Chin and the present claims.

Appellants aver that the Appeal Brief filed March 31, 2008 and this Reply Brief address and successfully rebut the Examiner's arguments presented in the Office Action of October 30, 2007 and the Examiner's Answer of June 18, 2008. Appellants aver that the rejections of the present claims under 35 USC 102(e) are overcome. Appellants aver that these rejections are in error and should be reversed.

Respectfully submitted,



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